

EXHIBIT A

PLEADINGS AND PROCESS

IN THE SUPERIOR COURT OF HENRY COUNTY
STATE OF GEORGIA

Sabriya Hill, Clerk
Henry County, Georgia

ADAM SINDELL,

Plaintiff,

v.

LATONYA COACH, JACOB
CLECKNER, and KYLE BOERGER,
In their individual and official capacities as
Deputies of the Houston County Sheriff's
Office,

Defendants.

Civil Action No.: _____

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES

Comes now, Plaintiff, and files this complaint for damages.

Jurisdiction and Venue

1. The Defendant JACOB CLECKNER ("Defendant Cleckner") resides at **475 Charlotte Blvd, Stockbridge Georgia, 30281** and is subject to the jurisdiction and venue of this Court. He may also be served at his place of employment, the Houston County Sheriff's Office, located at 202 Carl Vinson Pkwy, Warner Robins, GA 31088.
2. The Defendant KYLE BOERGER ("Defendant Boerger") resides at **205 Wembley Drive, Warner Robins, GA 31088** and is subject to the jurisdiction and venue of this Court. He may also be served at his place of employment, the Houston County Sheriff's Office, located at 202 Carl Vinson Pkwy, Warner Robins, GA 31088.
3. Defendant LATONYA COACH ("Defendant Coach") resides at 134 Amelia Dr, Byron GA 31008 and is subject to the jurisdiction and venue of this Court. She may also be served at

his place of employment, the Houston County Sheriff's Office, located at 202 Carl Vinson Pkwy, Warner Robins, GA 31088.

4. Plaintiff ADAM SINDELL ("Plaintiff") is a resident of Georgia and subject to the jurisdiction and venue of this Court.
5. Due to the "Order Declaring Statewide Judicial Emergency" (as extended) entered on March 14, 2020, the statute of limitations for filing this renewal action was tolled for the duration of the Order, extending the deadline an equal amount of time.

FACTUAL BACKGROUND FOR CLAIMS

6. On or about June 30, 2020, Plaintiff ADAM SINDELL ("Plaintiff") was being housed in the Houston County jail.
7. On that date, Defendant Coach granted Plaintiff permission to use the kiosk.
8. Plaintiff was at the kiosk when he was approached by Defendants Cleckner and Boerger.
9. Defendant Coach instructed Defendants Cleckner and Boerger to approach Plaintiff to tell him to lock down.
10. Either Defendant Cleckner or Defendant Boerger told Plaintiff that he (Defendant) would "only tell [Plaintiff] to lock down one time."
11. Plaintiff tried to explain to Defendants that he was given permission to be at the kiosk.
12. Either Defendant Cleckner or Defendant Boerger pointed to Plaintiff Sindell's right, indicating that Plaintiff needed to move in that direction.
13. Plaintiff complied and went to the direction of his cell to lock down.
14. Plaintiff's body language was explanatory and non-threatening, as his hands were down and his body stance was non-aggressive.

15. Defendant Cleckner moved in the way of Plaintiff, blocking Plaintiff's path to his cell.
16. Defendant Boerger moved behind Plaintiff, preventing Plaintiff from moving backwards.
17. Defendant Boerger stood behind plaintiff, while the Defendant Cleckner grabbed Plaintiff by his knees, picked him up, and body-slammed him to the ground.
18. Due to being slammed to the ground by Defendants, Plaintiff's head hit the hard, concrete-like floor of the jail.
19. Due to his head hitting the floor after being slammed to the ground, Plaintiff became unconscious and began seizing.
20. Despite being unconscious and seizing, Defendants handcuffed Plaintiff and dragged Plaintiff across the floor.
21. Upon the seizure becoming more intense, Defendants attempted to pick Plaintiff up and place him in the plastic chairs in the communal area of the jail.
22. When unable to place Plaintiff in the chair due to being unconscious and seizing, Defendants, along with two other deputies, laid Plaintiff on his side on the floor.
23. When Plaintiff's seizure began to calm, Defendants then unlocked the handcuffs and attempted to place him in a wheel chair.
24. Upon being placed in the wheel chair, Plaintiff was still unconscious and not seated properly in the wheel chair as he was wheeled off.
25. As Plaintiff was being wheeled off to the infirmary, he began seizing again, causing him to fall out of the wheel chair as he and Defendants were entering the Med-Pod Recreational area.

26. Defendants then had to pick up Plaintiff and carry him to the infirmary to receive medical attention.
27. Plaintiff was then placed on a bed in the infirmary while on his side as his seizure eased.
28. Plaintiff was then treated by the infirmary staff for his head injuries.
29. After the incident, Plaintiff suffered from headaches, as well to pain in his right arm, toe, and neck.
30. Plaintiff was not able to see a doctor until sometime in July.

GEORGIA STATE CLAIMS

31. Plaintiff incorporates all previous paragraphs.
32. Defendants Coach, Cleckner and Boerger were acting under color of law, and had a duty to follow Georgia state law, as well as internal procedures when interacting with the inmates, and Defendants Coach, Cleckner and Boerger had a custodial duty to Plaintiff, as well as a duty to provide adequate medical care.
33. Defendants Coach, Cleckner and Boerger breached their duty to Plaintiff when they attacked Plaintiff, used force gratuitously, unlawfully and unnecessarily to maliciously cause him injury, and subsequently failed to provide medical care.
34. Defendants Coach, Cleckner and Boerger's negligence directly caused Plaintiff significant head injury, as well as bodily injury, which has caused him pain and suffering and other damages.
35. Defendants Coach, Cleckner and Boerger's actions were malicious, wanton, and without any justification, leading to justification for an award of punitive damages.

36. Defendants Coach, Cleckner and Boerger's actions were intentional assault and battery, as Defendants Cleckner and Boerger slamming Plaintiff to the ground was an offensive and harmful touching of Plaintiff and constitutes battery.

FEDERAL CLAIMS AGAINST DEFENDANTS

37. Plaintiff incorporates all previous paragraphs.
38. This is an action for money damages brought pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1988.
39. At all times relevant, individual Defendants were each acting under color of law as law enforcement officers.
40. Defendants violated Plaintiff's Fourth, Eighth, and Fourteenth Amendment rights by punishing Plaintiff without cause or due process, physically abusing Plaintiff and injuring Plaintiff, and using excessive force against him, including, but not limited to slamming him to the ground against a the hard floor.
41. Defendants each violated Plaintiff's rights by failing to stop fellow Defendants from harming Plaintiff, and acting together to create incident reports to intentionally cover up the incident.
42. Defendants Cleckner and Boerger violated Plaintiff's rights by body slamming him without legal justification or provocation.
43. Assuming arguendo that Defendants' violent actions were in response to any action by Plaintiff, Defendants' actions were solely in response to protected speech by Plaintiff, a violation of his First Amendment rights.

44. By causing Plaintiff significant injury and then not providing constitutionally adequate care, Defendants further violated Plaintiff's rights against cruel and unusual punishment and damaged him by causing his entire future jail stay to be full of additional physical pain which he was not sentenced to via process.
45. Plaintiff suffered physical, mental, and monetary damages as a result of Defendants' actions, and, Plaintiff is entitled to all attorney's fees and costs of this action when resolved in Plaintiff's favor, pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1988.

PUNITIVE DAMAGES

46. Plaintiff reincorporates all previous paragraphs.
47. The actions of Defendants, as set forth above, show intentional willful misconduct, wantonness and that entire want of care which raises the presumption of a conscious indifference to the consequences of their actions. Accordingly, Plaintiff seeks punitive damages pursuant to O.C.G.A. § 51-12-5.1 and Federal law.

WHEREFORE, Plaintiff prays:

- (a) That Summons issue requiring Defendants(s) to be and appear in this Court within the time provided by law to answer this Complaint;
- (b) That Plaintiff have a jury trial;
- (c) That Plaintiff has judgment against Defendant(s) for compensatory damages and general damages as provided by law;
- (d) That Plaintiff be awarded punitive damages and attorney's fees as provided by law;
- (e) That Plaintiff have such other additional relief as the Court may consider equitable and/or appropriate given the circumstances of the case.

Respectfully submitted this 12th day of July, 2022.

/s/ Jordan Johnson
Jordan Johnson
Georgia State Bar No. 673643
Attorney for Plaintiff

Jessica Burton
Georgia State Bar No. 196253
Attorneys for Plaintiff

5 Dunwoody Park
Suite 100
Atlanta, GA 30338
404.477.4755
404.592.9089 (Fax)
Alex@Justice.Law
Jessica@Justice.Law

General Civil and Domestic Relations Case Filing Information Form

FILED IN OFFICE
CLERK OF SUPERIOR COURT
HENRY COUNTY, GEORGIA

☒ Superior or ☐ State Court of Henry County

SUCV2022001704

For Clerk Use Only

JUL 13, 2022 03:44 PM

Date Filed 07-13-2022

Case Number SUCV2022001704

MM-DD-YYYY

Sabrina Hall, Clerk
Henry County, Georgia

Plaintiff(s)

Sindell, Adam

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Plaintiff's Attorney Johnson, Jordan

Defendant(s)

Cleckner, Jacob

Last First Middle I. Suffix Prefix

Coach, Latonya

Last First Middle I. Suffix Prefix

Boerger, Kyle

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Bar Number 673643

Self-Represented ☐

Check one case type and, if applicable, one sub-type in one box.

General Civil Cases

- ☐ Automobile Tort
- ☐ Civil Appeal
- ☐ Contract
- ☐ Contempt/Modification/Other Post-Judgment
- ☐ Garnishment
- ☒ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
- ☐ Contempt
- ☐ Non-payment of child support, medical support, or alimony
- ☐ Dissolution/Divorce/Separate Maintenance/Alimony
- ☐ Family Violence Petition
- ☐ Modification
- ☐ Custody/Parenting Time/Visitation
- ☐ Paternity/Legitimation
- ☐ Support - IV-D
- ☐ Support - Private (non-IV-D)
- ☐ Other Domestic Relations

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

**SUPERIOR COURT OF HENRY COUNTY
STATE OF GEORGIA**

FILED IN OFFICE
CLERK OF SUPERIOR COURT
HENRY COUNTY, GEORGIA
SUCV2022001704
DR
JUL 13, 2022 03:44 PM


Sabriya Hill, Clerk
Henry County, Georgia

CIVIL ACTION NUMBER SUCV2022001704

Sindell, Adam

PLAINTIFF

VS.

Cleckner, Jacob
Coach, Latonya
Boerger, Kyle

DEFENDANTS

SUMMONS

TO: BOERGER, KYLE

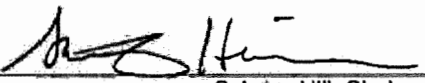
You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Jordan Johnson
Bernard & Johnson, LLC
5 Dunwoody Park, Ste 100
Atlanta, Georgia 30338**


an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 13th day of July, 2022.

Clerk of Superior Court


Sabriya Hill, Clerk
Henry County, Georgia

**SUPERIOR COURT OF HENRY COUNTY
STATE OF GEORGIA**

 **EFILED IN OFFICE**
CLERK OF SUPERIOR COURT
HENRY COUNTY, GEORGIA
SUCV2022001704
DR
JUL 13, 2022 03:44 PM


Sabriya Hill, Clerk
Henry County, Georgia

CIVIL ACTION NUMBER SUCV2022001704

Sindell, Adam

PLAINTIFF

VS.

Cleckner, Jacob
Coach, Latonya
Boerger, Kyle

DEFENDANTS

SUMMONS

TO: COACH, LATONYA

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Jordan Johnson
Bernard & Johnson, LLC
5 Dunwoody Park, Ste 100
Atlanta, Georgia 30338**


an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 13th day of July, 2022.

Clerk of Superior Court


Sabriya Hill, Clerk
Henry County, Georgia

**SUPERIOR COURT OF HENRY COUNTY
STATE OF GEORGIA**

 **EFILED IN OFFICE**
CLERK OF SUPERIOR COURT
HENRY COUNTY, GEORGIA
SUCV2022001704
DR
JUL 13, 2022 03:44 PM


Sabriya Hill, Clerk
Henry County, Georgia

CIVIL ACTION NUMBER SUCV2022001704

Sindell, Adam

PLAINTIFF

VS.

Cleckner, Jacob
Coach, Latonya
Boerger, Kyle

DEFENDANTS

SUMMONS

TO: CLECKNER, JACOB

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Jordan Johnson
Bernard & Johnson, LLC
5 Dunwoody Park, Ste 100
Atlanta, Georgia 30338**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 13th day of July, 2022.

Clerk of Superior Court


Sabriya Hill, Clerk
Henry County, Georgia

SHERIFF'S ENTRY OF SERVICE

Civil Action No. SUCV2022001704

Superior Court ☒

Magistrate Court ☐

State Court ☐

Probate Court ☐

Juvenile Court ☐

Date Filed 07-13-2022

FILED IN OFFICE
HENRY COUNTY
SUPERIOR COURT

Georgia, Henry COUNTY

Attorney's Address

JORDAN JOHNSON

5 DUNWOODY PARK, SUITE 100

ATLANTA, GA 30338

JUL 26 2022

ADAM SINDELL

Plaintiff

Amelia H.
CLERK OF SUPERIOR COURT

VS.

Name and Address of Party to Served

LATONYA COACH

134 AMELIA DR,

BYRON GA 31008

LATONYA COACH , JACOB CLECKNER ,

and KYLE BOERGER in their individual and

official capacities as Deputies of the

Houston County Sheriff's Office

Defendants

SHERIFF'S ENTRY OF SERVICE

PERSONAL

I have this day served the defendant _____ personally with a copy
☐ of the within action and summons.

NOTORIOUS

I have this day served the defendant _____ by leaving a
copy of the action and summons at his most notorious place abode in this County.

☐ Delivered same into hands of _____ described as follows:
age, about _____ years; weight _____ pounds; height _____ feet and _____ inches, domiciled at the residence of
defendant.

CORPORATION

Served the defendant _____ a corporation

☐ by leaving a copy of the within action and summons with _____
In charge of the office and place of doing business of said Corporation in this County.

TACK & MAIL

I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises
designated in said affidavit and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an
☐ envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice
to the defendant(s) to answer said summons at the place stated in the summons.

NON EST

Diligent search made and defendant _____
☒ not to be found in the jurisdiction of this Court.

Not in County

This 26 day of July, 2022.

DEPUTY

DEFENDANT'S COPY

Grogan 305

SHERIFF'S ENTRY OF SERVICE

Civil Action No. SUCV2022001704

Date Filed 07-13-2022

Attorney's Address

JORDAN JOHNSON

5 DUNWOODY PARK, SUITE 100

ATLANTA, GA 30338

Name and Address of Party to Served

LATONYA COACH

202 CARL VINSON PKWY,

WARNER ROBINS, GA 31088

Superior Court ☐

Magistrate Court ☐

State Court ☐

Probate Court ☐

Juvenile Court ☐

Georgia, Henry COUNTY

FILED BY FIVE
HENRY COUNTY
SUPERIOR COURT

AUG 11 2022

Ami H
CLERK OF SUPERIOR COURT

ADAM SINDELL

Plaintiff

VS.

LATONYA COACH, JACOB CLECKNER,

and KYLE BOERGER in their individual and

official capacities as Deputies of the

Houston County Sheriff's Office

Defendants

SHERIFF'S ENTRY OF SERVICE

PERSONAL

☒ I have this day served the defendant LATONYA COACH personally with a copy of the within action and summons.

NOTORIOUS

I have this day served the defendant _____ by leaving a copy of the action and summons at his most notorious place abode in this County.

☐ Delivered same into hands of _____ described as follows: age, about _____ years; weight _____ pounds; height _____ feet and _____ inches, domiciled at the residence of defendant.

CORPORATION

Served the defendant _____ a corporation

☐ by leaving a copy of the within action and summons with _____ In charge of the office and place of doing business of said Corporation in this County.

TACK & MAIL

I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

NON EST

Diligent search made and defendant _____
☐ not to be found in the jurisdiction of this Court.

This 9 day of Aug, 2022

DEPUTY

CLERK'S COPY

W H Raper J

22-6021

ORIGINAL

SHERIFF'S ENTRY OF SERVICE

Civil Action No. SUCV2022001704

Date Filed 07/13/22 03:44 PM

Attorney's Address Johnson, Jordan
Bernard & Johnson, LLC
5 Dunwoody Park, Ste 100
Atlanta, GEORGIA 30338-

Name and Address of Party to be Served.

Cleckner, Jacob

475 Charlotte Blvd

Stockbridge, GEORGIA 30281

Superior Court ☒
State Court ☐
Juvenile Court ☐

Magistrate Court ☐
Probate Court ☐

Georgia, HENRY COUNTY

Sindell, Adam

Plaintiff

VS.

Cleckner, Jacob; Coach, Latonya; Boerger, Kyle

FILED IN OFFICE
HENRY COUNTY
SUPERIOR COURT

Defendant

AUG 16 2022

Garnishee

SHERIFF'S ENTRY OF SERVICE

CLERK OF SUPERIOR COURT

PERSONAL

☐ I have this day served the defendant _____ personally with a copy of the within action and summons.

NOTORIOUS

I have this day served the defendant _____ by leaving a copy of the action and summons at his most notorious place of abode in this County.

☐ Delivered same into hands of _____ described as follows: age, about _____ years; weight _____ pounds; height, about _____ feet and _____ inches, domiciled at the residence of defendant.

CORPORATION

☐ Served the defendant _____ a corporation by leaving a copy of the within action and summons with _____ in charge of the office and place of doing business of said Corporation in the County.

TACK & MAIL

☐ I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of the same in the United States Mail, first class in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

NON EST

☒ Diligent search made and defendant (moved) not to be found in the jurisdiction of this court.

This 12 day of Aug 12, 22, 20 22

[Signature]
Deputy